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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,240	08/22/2005	Martin Johansson	4127-21	4609
23117 7590 08/17/2007 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			EXAMINER LEE, BENNY T	
			ART UNIT 2817	PAPER NUMBER
			MAIL DATE 08/17/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/524,240

Applicant(s)

JOHANSSON ET AL.

Examiner

Benny Lee

Art Unit

2817

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) 6, 11-13, 15, 20, 21, 24, 28-51 and 53 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1; 2-5, 7-10, 14, 16-19, 22, 23, 25-27, 52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-53 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

Claims 6, 11, 12, 13, 15, 20, 21, 24, 28-51, 53 remain withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 27 November 2006.

The disclosure is objected to because of the following informalities: Note that in the brief description of figures 12 & 13, it has been noted that applicants' still use the terminology "conventional waveguide" to describe the embodiments therein. Such terminology appears to be misleading, especially if these are embodiments of applicants' invention, since the term "conventional" is nominally recognized as meaning --prior art--. Clarification of this aspect of the disclosure is needed. In replacement paragraph [0046], 5<sup>th</sup> line therein, note that --as shown in Figure 4A-- for clarity of description; 16<sup>th</sup> line therein, should "491, 495" correctly be --492, 496--? Note that the following reference labels need a corresponding description with the indicated drawing figure: fig. 8B (891, 895); fig. 8C, all reference labels therein; fig. 13 (1381). Appropriate correction is required.

The drawings are objected to because of the following: In Fig. 9A, note that reference label --972-- needs to be provided such as to be consistent with the specification description thereof. In Fig. 9B, note that reference labels (970, 974, 979) need to be provided such as to be consistent with the specification description thereof.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet,

Art Unit: 2817

even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7-10, 14, 16-19, 22, 23, 25-27, 52 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Cutler (of record).

Cutler (Fig. 6) discloses a transmission line structure (i.e. E-plane waveguide) for transforming a point source in a first waveguide part to a line source in a second waveguide part comprising: a first parallel plate waveguide defined by parallel waveguide wall (39) and lower waveguide wall (40), each of which are flared, with one end thereof connected to a transmitting source (18) by a waveguide section (16) to define a point source thereat; a second parallel plate waveguide part defined by waveguide wall (39) and the upper waveguide wall (40), each of which is flared, and with one end thereof connected to a waveguide edge (43) to define a line

source thereat. A curved slot is defined by the parabolic edge (41) of waveguide wall (39) and the opposite curved parabolic bend (14) forming an end of the waveguide structure between the upper and lower parallel waveguide walls (40). Note that such a slot is located in a symmetrical plane parallel to waveguide wall (39) and thus functions as a path controller for the electromagnetic wave propagating between the first waveguide part and the second waveguide part, by interconnecting the first and second waveguide parts and permitting propagation there through. Moreover, it should be noted that by virtue of the flared waveguide wall, and the curved parabolic bend of waveguide wall (40), the electromagnetic waves inherently have the necessary path lengths to optimally transform from the point source at the first waveguide to the line source at the second waveguide, as the electromagnetic wave propagates from the first to the second waveguide through the curved slot.

Applicant's arguments filed 29 May 2007 have been fully considered but they are not persuasive.

With regard to applicants' comments concerning the rejoinder of at least claim 11 to the elected invention, it should be noted that such comments do not constitute a timely traverse of the election requirement and thus has not been addressed by the examiner. However, the examiner will consider rejoinder of claim 11 (as well as other non-elected claims), upon the final determination of patentability of the elected invention.

With regard to the description of certain reference numbers, it should be noted that reference labels (891, 895) as described at page 18, lines 19, 21 pertain to "Fig. 8A" and not "fig. 8B", as objected to by the examiner. Likewise, regarding the description of Fig. 8C, it should be noted that the last full paragraph of page 18 only gives a cursory, rather than a detail description,

Art Unit: 2817

of what is depicted in Fig. 8C. Regarding reference label “1381” in “Fig. 13”, such reference label is not described in detail with respect to “Fig. 13” as required by the objection.

With regard to certain drawing objections, it should be noted that this reference label appears only in “Fig. 9B” (and not Fig. 9A), but the specification of “fig. 9A” specifically references reference label “972”, thus necessitating a corresponding label in “Fig. 9A”. Likewise reference labels (970, 974, 979) only appear in “Fig. 9A”, but the specification description of “Fig. 9B” specifically reference these reference numbers in the description thereof, thereby necessitating corresponding reference labels in “Fig. 9B”.

Regarding the prior art rejection, applicant has asserted that independent claims 1 & 2, now include limitation not found in the Cutler reference, and thus now distinguishes over such prior art reference.

Applicants’ arguments have been considered, but have not been found persuasive. It should be noted that applicants’ have merely made general assertions that the amended claims (i.e. claims 1 & 2) distinguish over Cutler without specifically pointing out how or why Cutler fails to meet the claims, as amended. Applicants’ are reminded that 37 CFR 1.111(b) & (c) prohibits applicants’ from making general allegation of patentability without specifically pointing out how the claim language patentably distinguishes them from the reference {i.e. 37 CFR 1.111(b)} or how such amendments avoid the prior art references {37 CFR 1.111(c)}. Accordingly, since applicants’ arguments fail to distinguish the amended claims over the prior art Cutler reference, the rejection of record is sustained without further comment.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2817

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Benny Lee at telephone number 571 272 1764.

B. Lee

  
BENNY T. LEE  
PRIMARY EXAMINER  
ART UNIT 2817